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<b>Date:</b> May 24, 2005	<b>Phone Number</b>	<b>Fax Number</b>
<b>To:</b> Petitions Division, USPTO		(703) 872-9306
<b>From:</b> Dominic M. Kotab		

**Docket No.:** IBM1P008/SJ09-2001-0135US1**App. No:** 09/938,457**Total Number of Pages Being Transmitted, Including Cover Sheet:** 10**Message:**

Please deliver to the Petitions Division.

Thank you,

Dominic M. Kotab

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier**RECEIVED**  
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\*\*\*\*\*  
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May 24, 2005

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MAY 24 2005

Practitioner's Docket No. IBM1P008/SJ0920010135US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert G. Biskeborn

Application No.: 09/938,457

Group No.: 11/04/2004

Filed: 08/23/2001

Examiner: Eley, Timothy V.

For: PIN ADAPTER FOR AIR BEARING SURFACE (ABS) LAPPING AND METHOD FOR USING THE SAME

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
— OFFICE ACTION NOT RECEIVED

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.
2. I hereby state:
  - (a) The Office Action indicated, as mailed on November 4, 2004, was not received.
  - (b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

— deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

— with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

— as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

✓ — facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

Date:

5/24/2005

Signature



Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to Withdraw Holding of Abandonment—Office Action Not Received—page 1 of 2

3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. Please see page 2 of Exhibit A. This shows how the entry would have appeared on our docket.

4. As additional evidence of non-receipt of the Office Action, I also attach:

Exhibit B is a copy of the PAIRConnect Patent Record which shows a direct comparison of the PTO Action Items on the PAIR system and the IP Master Actions listed in our docketing database. The PAIR column shows the mailing of the Non-Final Rejection on 11/04/2004, but there is no action noted as received on our side.

5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.


6. The petition fee (37 C.F.R. § 1.17(h)—\$130.00) is paid as follows:

Should the Commissioner find that a fee is necessary, authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 09-0466 (Order No. SJ0920010135US1).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 42,762  
Tel. No.: 408-971-2573  
Customer No.: 50535

  
\_\_\_\_\_  
Signature of Practitioner  
Dominic M. Kotab  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

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